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STATE OF COLORADO } ss
COUNTY OF ELBERT }

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the **23rd day of December**, **A.D. 2020**, there were present:

Chris Richardson Commissioner - Chairman – District 1

Rick Pettitt Commissioner - District 2
Grant Thayer Commissioner - District 3

Dallas Schroeder Clerk and Recorder, Clerk to the Board

When the following proceedings, among others, were had and done, to wit:

RESOLUTION 20- 44

A RESOLUTION RECOGNIZING THE INEQUITIES INHERENT IN THE CURRENT APPLICATION OF CDPHE COVID-19 DIAL RESTRICTIONS AND APPROVING ACTIONS TO SUPPORT MORE EQUAL TREATMENT OF OUR LOCAL BUSINESSES

WHEREAS, on December 9, 2020 the Colorado Department of Public Health and Environment (CDPHE) directed Elbert County to "RED" status on the Colorado COVID-19 Dial; and

WHEREAS, the stated purpose of the Dial is to "give communities a tool to make life in the pandemic more sustainable"; and

WHEREAS, the Dial has failed to accomplish this, and in fact promotes unequal treatment of differing business sectors (specifically the banning of inside dining in local restaurants while other retail establishments remain open at 50% capacity) in a manner not supported by available data; and

WHEREAS, there is no local proof of even a single case of COVID-19 transmission originating in a restaurant in Elbert County; and

WHEREAS, the Director of CDPHE has not responded to this Board's request to provide any proof that the state may have of local COVID-19 transmission originating in Elbert County restaurants and; and

WHEREAS, the lack of response from CDPHE is a strong indicator that no such data exists and the ban placed on local inside dining while restaurants in other "RED" areas such as the Denver International Airport are allowed to remain open as "essential" is a glaring example of unequal treatment under the law; and

WHEREAS, addressing this unequal treatment by state agencies is now clearly a responsibility of the local governments and citizens of Elbert County; and

WHEREAS, the County has repeated urged CDPHE to adopt a statewide version of the Mesa County 5-Star Variance Program that allows for some measure of local control and had joined over 40 local governments, chambers of commerce, and business organizations in urging Governor Polis to direct CDPHE to take such action; and

WHEREAS, on December 17, 2020 CDPHE publicly released a state 5-Star Business Certification Program.

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NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Elbert County, Colorado, that we shall:

- 1. Apply for authority to establish a 5-Star Restaurant Certification Program at the earliest date possible in order to support the resumption of inside dining in our safely operated local restaurants; and
- 2. Appoint an Administrative Committee to oversee the implementation of a 5-Star Restaurant Certification Program that consists of owner/operators of local restaurants, leadership or representatives of the county and the towns, our local public health agency, and non-profit business support/economic development organizations; and
- 3. Work individually, and collaboratively with other local governments, business owners, and organizations to demand effective local control of COVID-19 response in a manner that safely makes life in the pandemic more sustainable for our citizens; and
- 4. Continue to recognize the rights of individuals to make decisions for themselves and that the key roles of local government is not to govern our citizens but to serve the people and protect their rights.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

Chris Richardson, CHAIRMAN

Rick Pettitt, COMMISSIONER

Grant Thayer, COMMISSIONER

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ATTEST: Dallas Schroeder

COUNTY CLERK

CLERK TO THE BOARD

Date: [2/23/20

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Date: